

**MINUTES FOR THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

February 19, 2004

DIVISION ONE

B163949 People (Not for Publication)  
v.  
Simmons

The judgment is affirmed.

Ortega, Acting P.J.

We concur: Vogel (Miriam A.), J.  
Mallano, J.

B167361 People (Certified for Partial Publication)  
v.  
Johnson

The judgment is reversed. The matter is remanded for a new trial.

Ortega, J.

We concur: Spencer, P.J.  
Mallano, J.

B156765      Hydro-Mill Company, Inc. (Certified for Publication)  
v.  
Hayward, Tilton and Rolapp Insurance Associates, Inc., et al.

The judgment is reversed. The trial court is directed to enter judgment in favor of Hayward, Tilton and Rolapp Insurance Associates, Inc., Dan Seymour, and Kathy Crooymans. The parties are to bear their own costs on appeal.

Mallano, J.

We concur: Ortega, Acting P.J.  
Vogel (Miriam A.), J.

DIVISION TWO

B166040      Los Angeles County, D.C.S.      (Not for Publication)  
                 v.  
                 Ricky M.

The judgment is affirmed.

Boren, P.J.

We concur:    Doi Todd, J.  
                 Ashmann-Gerst, J.

B166342      People      (Not for Publication)  
                 v.  
                 Eckert

The Court:

The judgment is affirmed.

Boren, P.J., Doi Todd, J., Ashmann-Gerst, J.

B161293      People      (Not for Publication)  
                 v.  
                 Quijas

The judgment is affirmed.

Ashmann-Gerst, J.

We concur:    Boren, P.J.  
                 Nott, J.

DIVISION TWO (Continued)

B160503      Norris & Galanter, LLP, et al.      (Not for Publication)  
v.  
Gray Gielegthem Belcher, LLP, et al.

We reverse the order of dismissal in favor of GGB on the fifth cause of action for declaratory relief and remand the matter to the trial court to afford N&G an opportunity to plead a request for trial following arbitration pursuant to Business and Professions Code section 6204. In all other respects, we affirm the orders of dismissal. Belcher is entitled to costs on appeal. N&G and GGB to bear their own costs on appeal.

Ashmann-Gerst, J.

We concur:    Boren, P.J.  
Doi Todd, J.

B164165      Wollersheim      (Not for Publication)  
v.  
Green, Broillet, Panisg & Wheeler, LLP

The judgment of the trial court is reversed, with directions to enter a new judgment in favor of GBPW in the amount of \$600,000. Wollersheim is entitled to recover his costs on appeal.

Ashmann-Gerst, J.

We concur:    Boren, P.J.  
Nott, J.

DIVISION THREE

B167638      Los Angeles County, D.C.S.      (Not for Publication)  
B169383      v.  
Walter M., et al.

The order denying mother and father's respective petitions for modification and the order terminating parental rights are affirmed.

Klein, P.J.

We concur:    Croskey, J.  
Aldrich, J.

DIVISION FIVE

B163491      People                                  (Not for Publication)  
v.  
Ignacio Alvarez

The judgment is conditionally reversed and the case remanded to the trial court for a new determination of the substantive issues raised by defendant's suppression motion. As Judge Robert J. Higa ruled defendant had no standing after all of the evidence had been taken on the motion, he may make the necessary findings without rehearing the evidence. If Judge Higa is unavailable, a new suppression hearing shall be held. If the trial court denies the suppression motion on the merits, the trial court shall reinstate the original judgment and sentence, which shall stand affirmed. If the trial court grants the suppression motion, the judgment is reversed.

Grignon, J.

We concur: Turner, P.J.  
Armstrong, J.

B167867      People                                  (Not for Publication)  
v.  
***Antonio Sanchez***

The judgment is affirmed.

Grignon, J.

We concur: Turner, P.J.  
Armstrong, J.

B170552 People (Not for Publication)  
v.  
Miguel Valenciano

The judgment is affirmed.

Grignon, J.

We concur:   Turner, P.J.  
                     Mosk, J.

February 19, 2004 (Continued)

## DIVISION FIVE (Continued)

B165844 People (Not for Publication)  
v.  
Pablo Chavez

The judgment is affirmed.

Grignon, J.

We concur: Turner, P.J.  
Mosk, J.

B162635      PCO Inc., et al.      (Not for Publication)  
v.  
Robert L. Shapiro, et al.

The trial court's overruling of defendants' demurrers to the extent they are based on section 1714.10 is affirmed. Plaintiffs shall recover their costs.

Mosk, J.

We concur: Grignon, Acting P.J.  
Armstrong, J.

DIVISION SIX

[illegible]

The judgment is affirmed. The Foleys are awarded their costs on appeal.

Coffee, J.

We concur: Gilbert, P.J.  
Yegan, J.

February 19, 2004 (Continued)

## DIVISION SIX (Continued)

[illegible]

The judgment is affirmed.

Yegan, J.

We concur: Gilbert, P.J.  
Perren, J.

[illegible]

Filed order modifying opinion. (No change in the judgment)

## DIVISION SEVEN

B167158      Carleo      (Not for Publication)  
v.  
Du

The order denying Du's motion to strike is affirmed. The appeal from the trial court's order denying Poon's request to appeal specially for Du at the hearing on the motion to strike is dismissed. The parties are to bear their own costs on appeal.

Perluss, P.J.

We concur:   Johnson, J.  
                          Zelon, J.

DIVISION SEVEN (Continued)

B167521      Northwestern National Casualty Co.      (Not for Publication)  
v.  
Chilkov, et al.

The appeal is dismissed. Respondents are to recover their costs on appeal.

Perluss, P.J.

We concur:   Johnson, J.  
                    Zelon, J.

B171391      Francisco F.      (Not for Publication)  
v.  
Superior Court, Los Angeles County  
(Department of Children and Family Services, Los Angeles County, r.p.i.)

The petition is denied on the merits.

Perluss, P.J.

We concur:   Johnson, J.  
                    Zelon, J.

B168799      People      (Not for Publication)  
v.  
Williams

The judgment is affirmed.

Perluss, P.J.

We concur:   Johnson, J.  
                    Zelon, J.

February 19, 2004 (Continued)

## DIVISION SEVEN (Continued)

B159471      Mathieu      (Certified for Publication)

V.  
Norrell Corporation, et al.

The judgment is reversed. On remand, the trial court shall (1) enter an order of summary adjudication as to Mathieu's claims for hostile work environment sexual harassment; (2) enter an order of summary adjudication as to Mathieu's third cause of action for wrongful termination; (3) enter an order of summary adjudication as to Mathieu's claim for punitive damages; (4) enter an order of summary adjudication as to Mathieu's claim for breach of the covenant of good faith and fair dealing; and (5) conduct further proceedings not inconsistent with this opinion. Each party is to bear her or its own costs on appeal.

Perluss, P.J.

We concur: Woods, J.  
Zelon, J.

B169265      Wolf, et al.  
v.  
Superior Court, Los Angeles County  
(Walt Disney Pictures and Television, r.p.i.)

Filed order modifying opinion. Petition for rehearing is denied. (No change in the judgment)

## DIVISION EIGHT

B163180 Benchmark Contractors, Inc. (Not for Publication)

V.  
Canac Kitchen, A Division of Kohler LTD.

The judgment is affirmed.

Flier, J.

We concur: Cooper, P.J.  
Boland, J.



## DIVISION EIGHT (Continued)

B163234 People (Not for Publication)

V.  
Bankers Insurance Company, et al.,  
Espinoza

For the reasons set forth above, the order is affirmed. Respondent to recover her costs on appeal.

Rubin, J.

We concur: Cooper, P.J.  
Flier, J.

B171192      Boudreau F.      (Not for Publication)

v.  
Superior Court, Los Angeles County  
(Los Angeles county Dept. Of Children & Family Services et al., r.p.i.)

The petition for writ of mandate is denied on the merits. This opinion is final as to this court forthwith. (Cal. Rules of Court, rule 24(b)(3).)

Cooper, P.J.

We concur: Rubin, J.  
Flier, J.

B161379 Sam Sompong Poolsawat (Not for Publication)

V.  
East Los Angeles College, et al.

The judgment of dismissal of Poolsawat's action is affirmed. Respondents are to recover their costs on appeal.

Flier, J.

We concur: Cooper, P.J.  
Boland, J.